

California Coastal Commission – Z07-0831-01

Adopted Amendments to §13055

Originally Proposed Amendments are shown in Strikeout and Underline

Revisions are shown in Double Strikeout and Double Underline

ARTICLE 4. SCHEDULE OF FILING FEES FOR ~~FILING AND~~ PROCESSING PERMIT APPLICATIONS AND OTHER FILINGS

§ 13055. Fees.

(a) ~~Permit filing and processing fees~~ Filing fees for processing coastal development permit applications shall be as follows:

- (1) ~~Two hundred dollars (\$200)~~ \$2,500 for any development qualifying for an administrative permit.
- (2) (A) For up to 4 detached, single-family residences ~~a single-family residence~~, the fee for each residence shall be based on the square footage of the proposed residence as shown in the following table:

Square Footage of Proposed Residence	Fee
1500 or less	\$250 <u>\$3,000</u>
1501 to 5000	\$500 <u>\$4,500</u>
5001 or more <u>to 10,000</u>	\$1000 <u>\$6,000</u>
10,001 or more	<u>\$7,500</u>

(B) For more than 4 detached, single-family residences, the fee shall be as follows:

- (1) For residences of 1500 square feet or less, the fee shall be \$15,000 or \$1,000 per residence, whichever is greater, but not to exceed \$100,000;
- (2) For residences of 1501 to 5000 square feet, the fee shall be \$22,500 or \$1,500 per residence, whichever is greater, but not to exceed \$100,000;
- (3) For residences of 5001 to 10,000 square feet, the fee shall be \$30,000 or \$2,000 per residence, whichever is greater, but not to exceed \$100,000;
- (4) For residences of 10,001 or more square feet, the fee shall be \$37,500 or \$2,500 per residence, whichever is greater, but not to exceed \$100,000.

For developments that include residences of different sizes, the fee shall be based upon the average square footage of all the residences.

(C) As used herein, the term “square footage” includes gross internal floor space of the main house and attached garage(s), plus any detached structures (e.g., guest houses, detached bedrooms, in-law units, garages, barns, art studios, tool sheds, and other outbuildings.)

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- (3) ~~Six hundred dollars (\$600) for lot line adjustments, or for divisions of land where there are single family residences already built and only one new lot is created by the division of~~
- (3) (A) ~~f~~ For ~~multi-family units up to 4 attached residential units the fee shall be \$7,500. up to four (4) units.~~
- (4) (B) For more than 4 attached residential units, the fee shall be ~~Two thousand dollars (\$2,000)~~ \$10,000 or ~~one hundred twenty dollars (\$120)~~ \$750 per unit, whichever is greater, but not to exceed ~~twenty thousand dollars (\$20,000)~~ \$50,000. for multi-unit residential development greater than four (4) units.
- (54) All residential projects (~~whether single or multi-unit~~) that include more than ~~75~~ 50 cubic yards of grading shall be subject to an additional fee of ~~two hundred dollars (\$200)~~ as shown on the following table:

Cubic Yards of Grading	Fee
51 to 100	\$500
101 to 1000	\$750 <u>\$1,000</u>
1001 to 10,000	\$1,000 <u>\$2,000</u>
10,001 to 100,000	\$1,250 <u>\$3,000</u>
100,001 or more to 200,000	\$1,500 <u>\$5,000</u>
200,001 or more	<u>\$10,000</u>

This fee does not apply to residential projects that qualify for administrative permits.

- (65) For office, commercial, convention, or industrial (including energy facilities as defined in Public Resources Code section 30107) development, and for all other development not otherwise identified in this section, the fee shall be ~~based upon~~ based upon either the gross square footage as shown in (5)(A) or the development cost as shown in following table: (5)(B) whichever is greater.

(A) Fees based upon gross square footage shall be as follows:

Square Footage of Proposed Proposed Development	Fee
1000 or less	\$500 <u>\$5,000</u>
1001 to 10,000	\$2,000 <u>\$10,000</u>
10,001 to 25,000	\$4,000 <u>\$15,000</u>
25,001 to 50,000	\$8,000 <u>\$20,000</u>
50,001 to 100,000	\$12,000 <u>\$30,000</u>
100,001 or more	\$20,000 <u>\$50,000</u>

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- (7) ~~Twenty thousand dollars (\$20,000) for major energy production and fuel processing facilities, including but not limited to, the construction or major modification of offshore petroleum production facilities, tanker terminals and mooring facilities, generating plants, petroleum refineries, LNG gassification facilities and the like.~~
- (8) (B)(1) ~~For changes in intensity of use; for office, commercial, convention or industrial development not otherwise identified in this section; and for all other development not otherwise identified in this section; the fee shall be based on the development cost as shown in the following table~~ Fees based upon development cost shall be as follows:

Development Cost	Fee
\$50,000 <u>\$100,000</u> or less	\$3,000
\$50,001 to \$100,001 <u>\$100,001 to \$500,000</u> or less	\$600 <u>\$6,000</u>
\$100,001 to \$500,001 <u>\$500,001 to \$2,000,000</u>	\$2,000 <u>\$10,000</u>
\$500,001 to 1,250,000 <u>\$2,000,001 to \$5,000,000</u>	\$4,000 <u>\$20,000</u>
\$1,250,001 to 2,500,000 <u>\$5,000,001 to \$10,000,000</u>	\$8,000 <u>\$25,000</u>
\$2,500,001 to 5,000,000 <u>\$10,000,001 to \$25,000,000</u>	\$12,000 <u>\$30,000</u>
\$5,000,001 or more to \$10,000,000 <u>\$25,000,001 to \$50,000,000</u>	\$20,000 <u>\$50,000</u>
\$10,000,001 to \$100,000,000 <u>\$50,000,001 to \$100,000,000</u>	\$100,000
<u>\$100,000,001 or more</u>	<u>\$250,000</u>

(2) As used herein, the term “development cost” includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission’s jurisdiction.

- (6) ~~Two hundred dollars (\$200)~~ \$1,000 for immaterial amendments to coastal development permits, and fifty percent (50%) of the permit fee that would currently apply to the permitted development for material amendments to coastal development permits.
- (7) ~~Two hundred dollars (\$200)~~ \$1,000 for emergency permits. A fee paid for an emergency permit shall be credited toward the fee charged for the follow-up coastal development permit.
- (11) ~~Two hundred dollars (\$200) for extensions and reconsiderations of coastal development permits for single family dwellings.~~
- (12) ~~Four hundred dollars (\$400) for extensions and reconsiderations of all other coastal development permits.~~
- (13) ~~Two hundred dollars (\$200) for a "de minimis" waiver of a coastal development permit application pursuant to section 30624.7 of the Coastal Act and for a waiver pursuant to sections 13250(e) and 13253(e) of these regulations.~~

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(14) ~~One hundred dollars (\$100) for a second continuance and any subsequent continuance requested by the applicant and approved by the commission. There is no fee charged for the first continuance requested by the applicant.~~

(15) ~~Five hundred dollars (\$500)~~ \$2,500 for temporary events that require a permit, unless the application is scheduled on the administrative calendar, in which case the fee shall be ~~two hundred dollars (\$200)~~ \$1,000.

(b) Filing fees for filings other than coastal development permit applications shall be as follows:

(1) (A) \$500 for either an extension or reconsideration of coastal development permit for a single-family dwellings.

(B) \$1,000 for an extension or reconsideration of any other coastal development permit.

(2) \$500 for a "de minimis" waiver of a coastal development permit application pursuant to Public Resources Code section 30624.7 and for a waiver pursuant to sections 13250(c) and 13253(c) of this title.

(3) \$250 for any written confirmation of exemption from permit requirements of Public Resources Code section 30600.

(4) \$1,000 for any continuance requested by the applicant, except the first continuance.

(5) The filing fee for:

(A) any certification of consistency that is submitted to the Commission pursuant to sections 307(c)(3)(A) or (B) of the Coastal Zone Management Act of 1972 (16 USC section 1456(c)(3)(A),(B)), or

(B) any appeal to the Commission pursuant to Public Resources Code sections 30602 or 30603(a)(5) by an applicant of a denial of a coastal development permit application

shall be determined in accordance with the provisions of subsection (a).

(6) The request for a boundary determination pursuant to either section 13255.1 or 13576(c) shall be accompanied by a filing and processing fee of \$250. For a request for a boundary determination pursuant to section 13255.1 or 13576(c)(2) that pertains to two or more parcels, the fee shall be paid on a per parcel basis.

(7) The request for a boundary adjustment pursuant to section 13255.2 shall be accompanied by a filing and processing fee of \$5,000.

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(c) The fees established in this section shall be increased annually by an amount calculated on the basis of the percentage change from the year in which this provision becomes effective in the California Consumer Price Index for Urban Consumers as determined by the Department of Industrial Relations pursuant to Revenue and Taxation Code Section 2212. The increased fee amounts shall become effective on July 1 of each year. The new fee amounts shall be rounded to the nearest dollar.

(db) Fees for an after-the-fact (ATF) permit application shall be ~~doubled~~ five times the amount specified in section (a) unless such added increase ~~is s-are-waived~~ reduced by the Executive Director when it is determined that ~~the permit could be processed by staff without significant additional review time resulting from the processing of the violation.~~ either:

- (1) the ATF permit application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or
- (2) the owner did not undertake the development for which the owner is seeking the ATF permit,

but in no case shall such reduced fees be less than double the amount specified in section (a) above. For applications that include both ATF development and development that has not yet occurred, the ATF fee shall apply only to the ATF development. In addition, payment of an ATF fee shall not relieve any persons from fully complying with the requirements of Division 20 of the Public Resources Code or of any permit granted thereunder or from any penalties imposed pursuant to Chapter 9 of Division 20 of the Public Resources Code.

(ee) Where a development consists of a land division including, but not limited to, lot line adjustments or issuance of a conditional certificate of compliance pursuant to Government Code section 66499.35(b), ~~each lot shall be considered as one single family residence for the purpose of calculating the application fee~~ the fee shall be \$3,000 for each of the first four lots, plus \$500 \$1,000 for each additional lot. ~~If an application includes both subdivision and the construction of residences, the fee shall be based upon the construction of the proposed residences with no additional fee for the subdivision.~~ Conversion to condominiums shall be considered a division of the land.

(fd) ~~Except as provided in subsection (c) above, if~~ If different types of developments are included in one permit application, the fee shall be the sum of the fees that would apply if each development was proposed in a separate application. However, in no case shall the fee for residential development exceed \$100,000 and in no case shall the fee for all other development ~~such application exceed twenty thousand dollars (\$20,000)~~ \$250,000.

(ge) In addition to the above fees, the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in ~~its consideration of~~ processing the permit application, including the costs of providing public notice. Notwithstanding the foregoing, the commission shall not require an applicant for a permit for one single-family dwelling to

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reimburse it for litigation costs or fees that the commission may incur in defending a judicial challenge to the commission's approval of the permit.

(h) The fees specified in sections (a) and (b) may be modified under the following circumstances:

(1) The executive director shall waive the application fee where requested by resolution of the commission.

(2) The executive director of the commission may waive the filing and processing fee in full or in part for an application for a housing development that contains housing units the occupancy of which by persons of low or moderate income as defined in Health and Safety Code section 50093 is assured for the period of time specified in Government Code section 65915(c)(1).

~~(3) The executive director of the commission may waive the filing and processing fee in full or in part for an application that displays extraordinary characteristics which substantially benefit coastal resources, such as sustainable site and building design, water and energy efficiency, habitat protection and public transportation elements.~~

(3) For applications received prior to January 1, 2015, the executive director of the Commission may reduce the filing fee for projects that are certified at a minimum of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Gold standard or equivalent. After registering a project with an approved third-party certification program, applicants expecting to obtain a certification that qualifies for the above-mentioned fee reduction must submit 60% of the filing fee required pursuant to section 13055 and a letter of credit or other cash substitute approved by the executive director in the amount of the remainder of the required filing fee. After submitting proof of certification at a minimum of LEED Gold or equivalent, the letter of credit or other cash substitute will be released by the Commission to the applicant. If the applicant does not receive a minimum of LEED Gold certification or equivalent within three years of the date of permit issuance, the Commission will cash the letter of credit or other cash substitute. The executive director may grant an extension of the three year deadline for good cause. Request for extension must be submitted to the executive director in writing at least 60 days prior to the deadline, outlining the reason for the request and the expected completion date. The extension shall not exceed one year.

~~(ig)~~ The required fee shall be paid in full at the time an application is filed. However, applicants for an administrative permit shall pay an additional fee after filing if the executive director or the commission determines that the application cannot be processed as an administrative permit. The additional fee shall be the amount necessary to increase the total fee paid to the regular fee. The regular fee is the fee determined pursuant to ~~sections (a)(2) (15), (b) (f) above~~ this section. In addition, if the executive director or the commission determines that changes in the nature or description of the project that occur after the initial filing result in a change in the amount of the

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fee required pursuant to this section, the applicant shall pay the amount necessary to change the total fee paid to the fee so determined. If the change results in a decreased fee, a refund will be due only if no significant staff review time has been expended on the original application. If the change results in an increased fee, ~~the~~ the additional fee shall be paid before the permit application is scheduled for hearing by the commission. If the fee is not paid prior to commission action on the application, the commission shall impose a special condition of approval of the permit. Such special condition shall require payment of the additional fee prior to issuance of the permit.